Docket No.: 00-VE17.22A

REMARKS

Claims 1-27 are pending. Claims 1, 12, 14, 19, and 27 are independent claims. In the Office Action, claims 1-3, 7, 9, 11-12, 14, and 18 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. 5,943,648 ("Tel"). Claims 1, 12, and 14 were further rejected as allegedly anticipated by U.S. 5,924,068 ("Richard"). Claims 19-20, 22-23, and 25 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. 5,835,087 ("Herz") in view of Tel. Claims 24 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Herz in view of Tel and further in view of U.S. 6,115,384 ("Parzych"). Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of U.S. 5,915,237 ("Boss"). Claims 4, 8, 10, 13, and 15 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of Herz.. Claims 5-6 and 16-17 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of Herz and further in view of Parzych.

Applicants would like to thank the Examiner for courtesies extended to Applicants' representative during a telephone interview conducted on May 11, 2005.

Claims 1 and 12, 14, 19, and 27 are amended herein. In view of the Examiner's comments (Office Action, page 14), these claim amendments are believed to overcome the Section 102 rejections of claims 1, 12, and 14 as allegedly anticipated by Tel, as well as the Section 103 rejection of claim 19 as allegedly obvious over Herz in view of Tel and the Section 103 rejection of claim 27 as allegedly obvious over Tel in view of Herz. Further, for the reasons stated below, Applicants respectfully traverse the rejection of claims 1, 12, and 14 as allegedly anticipated by Richard. Accordingly, all pending claims are believed to be in condition for allowance.

Section 102 Rejections Under Richard

The Examiner contends that Richard anticipates claims 1, 12, and 14. Claims 1 and 12 require a server that, among other things, is programmed to execute instructions for "performing a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions." Claim 14 requires a terminal device that includes "a data interface for receiving data from a communication network." Accordingly, claims 1, 12, and 14 further require "transmitting the speech synthesizer instructions over the data communication network" (claim 1), "transmitting sequences of the speech synthesizer instructions, representing the messages, over the data communication network" (claim 12), and

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"a programmable central processing unit for processing the received data to capture speech synthesizer instructions contained in the received data" (claim 14). However, Richard clearly discloses transmitting a mere text file, rather than speech synthesizer instructions, over a data communication network, and therefore cannot anticipate Applicants' claims.

Richard discloses a text marker 110 that inserts markings into news articles so that the articles may be read by a news reader 100. (Richard, col. 2, lines 54-61.) The text files so marked are transmitted through a transmission medium to a receiver 130 included in the news reader 100. (Richard, col. 5, lines 1-4.) The news reader 100 also includes a text to speech converter 170 that accepts the text file as input and provides speech as output. (Richard, Figs. 1, 18.) The text input for the text to speech converter 170 (*see* Richard, Fig. 18) clearly consists not of speech synthesizer instructions but rather of textual tags, or markers. (*E.g.*, Richard, col. 3, lines 57-65.)

Applicants' speech transmitted speech synthesizer instructions, in contrast, "provide[] more information than pure text, but less information than digitized and compressed speech." (Specification, page 23, lines 2-4.) Thus, Richard, disclosing at most transmission of tagged text files, cannot possibly read on any claim that requires speech synthesizer instructions to be transmitted over a data communication network. Indeed, Richard teaches against Applicants' claimed invention because Richard teaches transmitting only the text to be spoken, and *then* generating speech synthesizer instructions based on the transmitted text, which is directly contrary to generating speech synthesize instructions and *then* transmitting them.

In sum, Richard does not teach and cannot even suggest transmitting speech synthesizer instructions as is required by Applicants' claims. Accordingly, the rejection of claims 1, 12, and 14 as allegedly anticipated by Richard should be withdrawn.

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CONCLUSION

Applicants respectfully submit that all pending claims are distinguished over the cited prior art and are otherwise in condition for allowance. If the Examiner has any questions or issues relating to Applicants' response, or believes that any formal matters require clarification, the Examiner is cordially encouraged to telephone the undersigned Applicants' representative.

Any fees associated with the filing of this paper should be identified in an accompanying transmittal. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 00-VE17.22A, from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to the foregoing deposit account number.

Dated: June 23, 2005

Respectfully submitted,

By_____

Joel Wall

Registration No.: 25,648

Attorney for Applicants

VERIZON CORPORATE SERVICES
 GROUP INC.

c/o Christian Andersen

600 Hidden Ridge Drive

Mailcode HQE03H14

Irving, TX 75038

Telephone: 972-718-4800

Customer No.: 32127

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